

Amendments to House Bill No. 259
1st Reading Copy

Requested by Representative Michele Reinhart

For the House Natural Resources Committee

Prepared by Joe Kolman
January 30, 2007 (9:03am)

1. Title, page 1, line 5.

Strike: "AND"

2. Title, page 1, line 6.

Following: "SYSTEMS"

Insert: "; AND AMENDING SECTION 75-5-305, MCA"

3. Page 1, line 10.

Strike: "through"

Insert: ", 2, and"

4. Page 1, line 12 through line 13.

Strike: line 12 through line 13 in their entirety

Renumber: subsequent subsections

5. Page 1, line 14.

Following: "wastewater"

Insert: "that is"

Following: "flow"

Insert: "and"

6. Page 1, line 16.

Following: "private"

Insert: ", single-family"

7. Page 1, line 20.

Strike: "floodway"

Insert: "flood plain"

8. Page 1, line 22 through line 29.

Strike: section 3 in its entirety

"Section 3. Section 75-5-305, MCA, is amended to read:

"75-5-305. Adoption of requirements for treatment of wastes
-- variance procedure -- appeals. (1) The board may establish minimum requirements for the treatment of wastes. For cases in which the federal government has adopted technology-based treatment requirements for a particular industry or activity in 40 CFR, chapter I, subchapter N, the board shall adopt those requirements by reference. To the extent that the federal government has not adopted minimum treatment requirements for a

particular industry or activity, the board may do so, through rulemaking, for parameters likely to affect beneficial uses, ensuring that the requirements are cost-effective and economically, environmentally, and technologically feasible. Except for the technology-based treatment requirements set forth in 40 CFR, chapter I, subchapter N, minimum treatment may not be required to address the discharge of a parameter when the discharge is considered nonsignificant under rules adopted pursuant to 75-5-301.

(2) (a) The board shall establish minimum requirements for the control and disposal of sewage from private and public buildings, including standards and procedures for variances from the requirements.

(b) For gray water reuse systems in private, single-family residences, the board shall establish rules that:

(i) limit the amount of gray water flow allowed by permit;

(ii) address the uses of gray water, including when and how gray water may be applied to land; and

(iii) include any other provisions that the board considers necessary to ensure that gray water reuse systems comply with laws and regulations and protect public health and the environment.

(3) An applicant for a variance from minimum requirements adopted by a local board of health pursuant to 50-2-116(1)(i) may appeal the local board of health's final decision to the department by submitting a written request for a hearing within 30 days after the decision. The written request must describe the activity for which the variance is requested, include copies of all documents submitted to the local board of health in support of the variance, and specify the reasons for the appeal of the local board of health's final decision.

(4) The department shall conduct a hearing on the request pursuant to Title 2, chapter 4, part 6. Within 30 days after the hearing, the department shall grant, conditionally grant, or deny the variance. The department shall base its decision on the board's standards for a variance.

(5) A decision of the department pursuant to subsection (4) is appealable to district court under the provisions of Title 2, chapter 4, part 7."

{ Internal References to 75-5-305:

50-2-116x 75-5-311x 75-5-703x }

9. Page 2, line 1.

Strike: "[sections 2 and 3]"

Insert: "75-5-305 and [section 2]"

10. Page 2, line 5 through line 6.

Strike: section 5 in its entirety

Insert: "NEW SECTION. Section 5. {standard} Codification instruction. [Sections 1, 2, and 4] are intended to be codified

as an integral part of Title 75, chapter 5, part 3, and the provisions of Title 75, chapter 5, part 3, apply to [sections 1, 2, and 4]."

- END -